

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5931

Chapter 401, Laws of 1999

56th Legislature  
1999 Regular Session

CAMPAIGN REPORTS--ELECTRONIC FILING

EFFECTIVE DATE: 7/25/99

Passed by the Senate April 24, 1999  
YEAS 47 NAYS 0

BRAD OWEN  
President of the Senate

Passed by the House April 24, 1999  
YEAS 95 NAYS 0

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SECOND SUBSTITUTE SENATE BILL 5931 as passed by the Senate and the House of Representatives on the dates hereon set forth.

CLYDE BALLARD  
Speaker of the  
House of Representatives

TONY M. COOK  
Secretary

FRANK CHOPP  
Speaker of the  
House of Representatives

Approved May 18, 1999

FILED May 18, 1999 - 3:33 p.m.

GARY LOCKE  
Governor of the State of Washington

Secretary of State  
State of Washington

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5931

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington      56th Legislature      1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Horn, Gardner, McCaslin, Haugen, Kline, Brown, Costa, Hale, Kohl-Welles, B. Sheldon and Bauer)

Read first time 03/08/1999.

AN ACT Relating to electronic filing and publication of campaign finance and lobbyist reports; amending RCW 42.17.365, 42.17.367, 42.17.420, and 42.17.080; adding new sections to chapter 42.17 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

{+ NEW SECTION. +} Sec. 1. A new section is added to chapter 42.17 RCW to read as follows:

It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to meet goals for full and timely disclosure threatens to undermine our electoral process.

Furthermore, the legislature intends for the commission to consult with the department of information services as it seeks to implement this act, and that the commission follow the standards and procedures established by the department of information services in chapter 43.105 RCW as they relate to information technology.

{+ NEW SECTION. +} Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office within two business days of the commission's receipt of the report and shall be accessible on the commission's web site within seven business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, and shall be accessible on the commission's web site within fourteen business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW

42.17.420, as specified in rule adopted by the commission.

(2) On January 1, 2001, or shortly thereafter, the commission shall revise these goals to reflect that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office and on the commission's web site within two business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office and on the commission's web site within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

{+ NEW SECTION. +} Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

By July 1st of each year beginning in 2000, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and 42.17.100 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.105 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as state-wide, state legislative, or local, that have used each of the following methods to file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method;

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17.065 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method; and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or

satellite; (d) electronic format via the Internet; and (e) any other format or method.

{+ NEW SECTION. +} Sec. 4. A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall develop an information technology plan consistent with plans or portfolios required by chapter 43.105 RCW.

(2) The plan must include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services for at least the next five years;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan;

(d) An implementation strategy to enhance electronic access to public records and information required to be filed with and disclosed by the commission. This implementation strategy must be assembled to include:

(i) Adequate public notice and opportunity for comment;

(ii) Consideration of a variety of electronic technologies, including those that help to transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(iii) Methods to educate agency employees, the public, and the news media in the effective use of agency technology;

(iv) Ways to simplify and improve public access to information held by the commission through electronic means;

(e) Projects and resources required to meet the objectives of the plan; and

(f) If feasible, estimated schedules and funding required to implement identified projects.

{+ NEW SECTION. +} Sec. 5. A new section is added to chapter 42.17 RCW to read as follows:

In preparing the information technology plan, the commission shall consult with affected state agencies, the department of information services, and stakeholders in the commission's work, including representatives of political committees, bona fide political parties, news media, and the general public.

{+ NEW SECTION. +} Sec. 6. A new section is added to chapter 42.17 RCW to read as follows:

The commission shall submit the information technology plan to the senate and house of representatives fiscal committees, the governor, the senate state and local government committee, the house of representatives state government committee, and the department of information services by February 1, 2000. It is the intent of the legislature that the commission thereafter comply with the requirements of chapter 43.105 RCW with respect to preparation and submission of biennial performance reports on the commission's information technology.

{+ NEW SECTION. +} Sec. 7. A new section is added to chapter

42.17 RCW to read as follows:

The commission shall prepare and submit to the department of information services a biennial performance report in accordance with chapter 43.105 RCW.

The report must include:

- (1) An evaluation of the agency's performance relating to information technology;
- (2) An assessment of progress made toward implementing the agency information technology plan;
- (3) An analysis of the commission's performance measures, set forth in section 3 of this act, that relate to the electronic filing of reports and timely public access to those reports via the commission's web site;
- (4) A comprehensive description of the methods by which citizens may interact with the agency in order to obtain information and services from the commission; and
- (5) An inventory of agency information services, equipment, and proprietary software.

Sec. 8. RCW 42.17.365 and 1993 c 2 s 29 are each amended to read as follows:

The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. {+ Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation. +}

Sec. 9. RCW 42.17.367 and 1994 c 40 s 2 are each amended to read as follows:

By (({- January 1, 1995 -})) {+ February 1, 2000 +}, the (({- public disclosure -})) commission shall (({- design a program for electronic access to public documents filed with the commission. The program may include on-line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax-request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds -})) {+ operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site shall allow access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection +}.

Sec. 10. RCW 42.17.420 and 1995 c 397 s 18 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. {+ The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. +} Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

{+ NEW SECTION. +} Sec. 11. A new section is added to chapter 42.17 RCW to read as follows:

(1) By July 1, 1999, the commission shall offer every candidate, public official, political committee, and party organization that is required to file reports under this chapter the option of filing financial affairs reports, contribution reports, and expenditure reports electronically by diskette or via modem, satellite, or the Internet.

(2) By January 1, 2001, the commission shall offer all lobbyists and lobbyists' employers required to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports electronically by diskette or via modem, satellite, or the Internet.

(3) The commission shall make available to each candidate, public official, political committee, lobbyist, lobbyist employer, and party organization an electronic copy of the appropriate reporting forms at no charge.

{+ NEW SECTION. +} Sec. 12. A new section is added to chapter 42.17 RCW to read as follows:

Beginning January 1, 2001, each continuing political committee, that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in expenditures in the current year, shall file all contribution reports and expenditure reports required by this chapter electronically by diskette or via modem, satellite, or the Internet. Failure by a continuing political committee to comply with this section is a violation of this chapter.

Sec. 13. RCW 42.17.080 and 1995 c 397 s 2 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization

required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of

account shall be kept current within one business day (({- and shall - }))) {+ . As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must +} be open for public inspection {+ as follows:

(a) F +} or at least two consecutive hours (({- Monday through Friday, excluding legal holidays - }))) {+ on the eighth day immediately before the election +}, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission {+ ; and

(b) By appointment for inspections to be conducted at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any other day from the seventh day through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days in the week prior to the election. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection +}.

{+ (5) +} The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(({- (5) - }))) {+ (6) +} All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(({- (6) - }))) {+ (7) +} Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(({- (7) - }))) {+ (8) +} The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

{+ NEW SECTION. +} Sec. 14. By December 1, 2000, the joint legislative audit and review committee shall have completed a performance audit of the duties and staffing of the public disclosure commission.

Passed the Senate April 24, 1999.

Passed the House April 24, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.